

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Utility Application of:
Reinhard Keller

Application No.: 10/575,544

Confirmation No.: 5662

Filed: May 18, 2006

Art Unit: 2121

For: CONTROL FOR A MACHINE FOR THE
MANUFACTURE OF PAPER PADDING

Examiner: Tejal Gami

PRE-APPEAL BRIEF CONFERENCE REQUEST STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests that the above-identified United States patent application be considered for participation in the Pre-Appeal Brief Conference pilot program. The real party in interest is Pack-Tiger GmbH, a corporation of Switzerland and having a place of business at Rebhalde 10, CH-8421 Dättlikon, Switzerland.

The present invention relates to a control for the manufacture of paper padding. The control includes a drive motor having a cutting device and a shaping device to form a piece of padding from a paper web and to cut the paper padding off at a desired length.

The control includes an input means, such as a button, to input the desired length of padding. The activation of the input means, e.g. depression of the button, starts the drive motor whereas deactivation of the input means, e.g. releasing the button, stops the drive motor and triggers a cutting procedure. Consequently, the time period that the input means is activated

corresponds directly to the length of the padding produced. For example, the button could be held down or activated for a period of time to produce any desired length, such as 11.7 inches, of padding. The control unit automatically stores the length of the padding just produced in memory. Thus, for the example given in the preceding paragraph, the length of 11.7 inches would be stored in memory. That length, i.e. the length of the padding just produced, is then available for a further call up by the user. Such a call up is initiated by a momentary activation of the input means.

Consequently, if multiple lengths of padding of 11.7 inches were desired, the input means would first be held down for a length of time required to produce 11.7 inches of paper padding. Thereafter, any number of lengths of paper padding of 11.7 inches may be manufactured by simply momentarily activating the input means for each length of 11.7 inches of paper padding. Thus, in Applicant's invention, an arbitrary length of paper padding is first created by the user and, thereafter, paper padding of the same length may be easily replicated by a momentary activation of the input means.

The present invention includes two independent claims, namely claims 1 and 14. Both claims 1 and 14 have been carefully amended to define the foregoing operation of the control. Specifically, both claims 1 and 14 clearly define that the length of paper padding is set by activating the input means for a period of time necessary to create the desired length of paper padding (see claim 1, lines 8-10 and claim 14, lines 9-11) and that thereafter the length of paper padding may be replicated by momentary activation of the input means (see claim 1, lines 11-14 and claim 14, lines 12-15).

In this case, however, the Patent Examiner has rejected all of the previously submitted claims as anticipated by U.S. Patent Application Publication No. 2003/0114288 to Harding.

Applicant, however, respectfully submits that this basis for rejection is in error and should be reversed. Instead, Applicant respectfully submits that the Harding reference neither anticipates nor renders obvious Applicant's invention as it is now defined in amended claims 1 and 14, as well as their dependent claims.

More specifically, the Harding reference admittedly discloses a machine which produces paper padding. Applicant freely acknowledges that paper padding machines are old.

The controller for the Harding machine also includes a plurality of buttons wherein each button corresponds to a different length of padding. Consequently, if the Harding button corresponding to 1 foot of padding is activated or depressed, the Harding machine produces 1 foot of paper padding. Similarly, if the button corresponding to 3 feet of paper padding is activated or depressed, the Harding machine produces 3 feet of paper padding.

Additionally, the Harding patent also stores the total length of paper padding produced, primarily for billing purposes; see paragraph [0081] of Harding.

What Harding does not teach or suggest, however, is Applicant's invention in which an input means 18, once activated, starts the padding machine to produce paper padding and continues to produce paper padding until the input means is deactivated. Upon deactivation, the motor which produces the padding machine is stopped and the cutting mechanism is activated to cut off the produced paper padding. As such, the length of paper padding is directly proportional to the length of time of activation of the input means.

This aspect of Applicant's invention, furthermore, is clearly defined in the claims. See, for example, the penultimate paragraph of both claims 1 and 14.

Consequently, with Applicant's invention, a variable length of paper padding, such as 13.5 inches, 11.7 inches, 18.3 inches, etc., may be made by simply varying the length of time of activation of the input means. That, however, is simply not possible with the Harding reference.

More specifically, while the Harding reference discloses buttons for producing predetermined lengths of paper padding, Harding fails to teach or suggest an input means like that defined in Applicant's claims which allows for the continuous manufacture of paper padding as long as the input means is activated and, conversely, terminates the production of the padding machine upon deactivation of the input machines. This aspect of Applicant's invention is clearly defined in the claims and is simply not present in the Harding reference.

Likewise, the Harding reference fails to disclose Applicant's invention in which a subsequent momentary closure or activation of the input means automatically reproduces the same length of padding previously produced by the padding machine. Although the Harding reference admittedly discloses the provision of a plurality of buttons for producing paper padding of different lengths, each of these lengths is preset and nonvariable. Indeed, it is simply not possible to produce multiple lengths of paper padding of 11.7 inches, or 13.3 inches, or the like. Instead, the lengths of the paper padding are limited to the preset lengths set by the buttons on the Harding machine.

In conclusion, the Harding patent does not teach a paper padding machine in which the initial length of the paper padding is determined by the duration of activation of the input means. Therefore, the Examiner's rejection of the claims under 35 U.S.C. §102 is improper.

Furthermore, it would not be obvious to modify the paper padding machine of Harding to produce Applicant's invention in which user-selected lengths of paper padding of any desired

length may be easily replicated. Instead, the Harding reference is strictly limited to paper paddings of preset lengths. Applicant's invention does not suffer such a limitation.

For the foregoing reason, Applicant respectfully submits that the Examiner's rejection of the claims is in error and should be reversed. Such action is respectfully solicited.

Dated: May 4, 2010

Respectfully submitted,

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